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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/774,795

Applicant(s)

PARRY, TRAVIS

Examiner

Lewis A. Bullock, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) * | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5, 8-10, 12, 15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by JEYACHANDRAN (U.S. 6,567,176).

As to claim 8, JEYACHANDRAN teaches a method for controlling a computer system to perform a delayed operation, comprising: requesting that a user input a delay criteria, after an initiation of an operation (response by user that the execution of the job should wait until the color printer is not busy by selecting WAIT); and delaying performance of the operation (printing with the color printer) until the delay criteria has been met (color printer is no longer busy); wherein the operation comprises a print command (col. 26, lines 5-15).

As to claim 9, JEYACHANDRAN teaches the delay criteria is the occurrence of a particular condition (until the color printer is no longer busy) (col. 26, lines 5-15).

As to claim 10, JEYACHANDRAN teaches the particular condition comprises detection of an idle printer (until the color printer is no longer busy) (col. 26, lines 5-15).

As to claim 12, JEYACHANDRAN teaches the operation comprises printing a document (file a is to be printed) (col. 26, lines 1-15).

As to claims 1-3 and 5, reference is made to a computer program product that corresponds to the method of claims 8-10 and 12 and is therefore met by the rejection of claims 8-10 and 12 above.

As to claims 15 and 18, reference is made to a computer system that corresponds to the method of claims 8-10 and 12 and is therefore met by the rejection of claims 8-10 and 12 above.

3. Claims 1, 2, 4, 8, 9, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by MULLALY (U. S. 6,304,909).

As to claim 8, MULLALY teaches a method for controlling a computer system to perform a delayed operation, comprising: requesting that a user input a delay criteria after an initiation of an operation (file request) (via sending a message from the server to the client requesting what to do since processing the page request will take a while wherein the user responds by requesting the page to be received at a specified time later via delayed transfer); and delaying performance of the operation (sending of the

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data) until the delay criteria has been met (by the specified time); wherein the operation comprises a web site posting or file transfer command (col. 5, lines 1-52).

As to claim 9, MULLALY teaches the delay criteria is the occurrence of a particular condition (bandwidth condition) (col. 5, lines 1-52; col. 7, lines 5-8).

As to claim 11, MULLALY teaches the particular condition comprises detection of bandwidth availability on a network connection (col. 5, lines 1-52; col. 7, lines 5-8).

As to claims 1, 2, and 4, reference is made to a computer program product that corresponds to the method of claims 8, 9, and 11 and is therefore met by the rejection of claims 8, 9, and 11 above.

4. Claims 1, 2, 5, 7-9 and 12-20 are rejected under 35 U.S.C. 102(b) as being anticipated by MATSUMOTO (U.S. Patent 5,754,744).

As to claim 15, MATSUMOTO teaches a computing system (system connecting a host computer to a printer) (col. 10, lines 5-12) comprising: a processor (CPU) (see fig. 2, col. 10, lines 13-23); a user-programmable delaying device to receive a delay criteria (print time zone) after an initiation of an operation ("First from the host computer, print data are sent out toward the digital copier which is a printer P....At step S1, in the digital copier, after selecting execution of reserved print function, the print start time zone is set..") (col. 10, lines 39-65), the delaying device operably connected to the

processor (see fig. 2); a storage device (memory) operably connected to the processor (see fig. 2); and a printer operably connected to the storage device (col. 9, line 66 – col. 10, line 12; col. 10, lines 38-44; col. 11, lines 58-52; col. 12, lines 13-39). It is inherent in the teaching of MATSUMOTO that since the printer executes functions that are stored in memory at the correct time interval that it is functionally connected to the storage device.

As to claim 16, MATSUMOTO teaches the delaying device can be delayed by a user-programmable time interval (time zone) (col. 10, line 27 – col. 11, line 20; col. 14, line 60 – col. 15, line 22).

As to claim 17, MATSUMOTO teaches the delaying device can be delayed until user-programmable time (end time zone / time zone) (col. 10, line 27 – col. 11, line 20; col. 14, line 60 – col. 15, line 22; col. 16, line 38 – col. 17, line 7).

As to claim 18, MATSUMOTO teaches the delaying device can be delayed until the occurrence of a user-programmable condition (within the time zone) (col. 10, line 27 – col. 11, line 20; col. 14, line 60 – col. 15, line 22; col. 16, line 38 – col. 17, line 7).

As to claim 19, MATSUMOTO teaches a job store (memory) (col. 10, lines 13-23; col. 10, lines 38-44).

As to claim 20, MATSUMOTO teaches the job store comprises printer memory or computer memory (col. 10, lines 13-23; col. 10, lines 38-44).

As to claims 8, 9, 12-14, reference is made to a method that corresponds to the system of claims 15-20 and is therefore met by the rejection to claims 15-20 above.

As to claims 1, 2, and 5-7, reference is made to a computer program product that corresponds to the system of claims 15-20 and is therefore met by the rejection to claims 15-20 above.

Response to Arguments

5. Applicant's arguments filed 5/24/04 have been fully considered but they are not persuasive. Applicant argues that the Jeyachardran does not teach providing the ability to the user to enter detailed "user delay criteria" as defined in the specification. However, the cited claim does not teach the level of detail as disclosed in the specification. Therefore, limitations from the specification are not incorporated into the claims as proper under M.P.E.P. 2111. The cited claims require the entering of a delay criteria after an initiation of an operation. Jayachardran teaches that one submits a print operation of file A. Upon determining that the color printer is busy, an indication is sent back to the user requesting clarification of what to do since the color printer is busy. On the indication the user selects an operation that waits until the printer is not busy that in effect delays the operation of the sent print command until the printer is not busy.

Therefore, Jayachardran teaches entering a delay criteria (wait for printer to be available) after an initiation of an operation (upon determining that the print cannot occur since the color printer is busy). The cited wait is a delay condition criteria entered by the user. Therefore, Jayachardran teaches the limitations as disclosed.

Applicant argues Mullaly does not describe, "requesting that a user input a delay criteria after an initiation of an operation" as defined in the Applicant's specification" because configuring a setting or using a default setting before initiation of an operation such as downloading a web page is not equivalent to "requesting that a user input a delay criteria after an initiation of an operation". The examiner disagrees. Mullaly teaches that a user requests for the downloading of a web page, i.e. initiates a download operation. Upon executing the request, the server determines a delay in handling the request and sends the information back to the user, wherein the user either selects to have the page sent back by email, delay the execution of the request, etc. Because the request was initially sent, thereby initiated, before determining that there exist a delay in handling the request, the limitation is disclosed as taught by Mullaly. Therefore Mullaly teaches entering a delay criteria after an initiation of an operation (via sending a message from the server to the client requesting what to do since processing the page request will take a while wherein the user responds by requesting the page to be received at a specified time later via delayed transfer) as disclosed in the claims and the rejection is maintained above.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 31, 2004



LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER